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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**INDEX NEWSPAPERS LLC**, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLmos; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**DECLARATION OF ATHUL K. ACHARYA IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF EXTENDING THE TRO WITH LIMITED MODIFICATIONS**

I, Athul K. Acharya, declare:

1. I am an attorney at BraunHagey & Borden LLP and counsel of record for Plaintiffs. I base this declaration on facts within my personal knowledge and if called upon to testify, I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the webpage at the following URL, <https://www.dhs.gov/news/2020/08/04/myths-vs-facts-cooperation-and-receding-riot-activity-portland-oregon>, as it appeared at 10:58 p.m. on August 4, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the rough transcript from the deposition of Gabriel Russell, dated August 4, 2020. Counsel for Plaintiffs will file a corrected version of this exhibit once the final transcript from Mr. Russell's deposition becomes available.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Criminal Complaint and supporting Affidavit filed in *United States v. Taylor Charles Lemons*, No. 3:20-mj-00159 (D. Or.) on July 22, 2020.

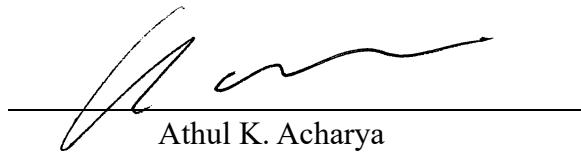
5. Attached hereto as **Exhibit 4** is a true and correct copy of Defendant U.S. Department of Homeland Security's Objections and Responses to Plaintiffs' First Set of Expedited Requests for Admission, dated August 4, 2020.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the YouTube user page "Portland Protesters Exposed," submitted as Exhibit 10 in the deposition of Gabriel Russell, dated August 4, 2020.

7. On August 5, 2020, I viewed a video taken by Taylor Lemons on July 22, 2020, available at <https://www.twitch.tv/videos/687148896>. A true and correct copy of the relevant portion of this video is available at <https://youtu.be/1vcM5KMAwkY>.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: August 5, 2020



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Athul K. Acharya